NOTIFICATION.

No. L.D. 1150, Bangalore, dated 14th March 1951.

Under Rule 36 of the Mysore Legislative Rules, The Mysore Civil Courts (Amendment) Bill, 1951, together with Statement of objects and Reasons, is published for general information.

THE MYSORE CIVIL COURTS (AMENDMENT) BILL, 1951.

A Bill further to amend the Mysore Civil Courts Act, 1883.

WHEREAS it is expedient further to amend the Mysore Civil Courts Act, 1883, (Mysore Act I of 1883), for the purposes hereinafter appearing; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Civil Courts (Amendment) Act, 195 . Short title and commencement.

(2) It shall come into force at once.

2. In section 13 of the Mysore Civil Courts Act, 1883, (hereinafter referred to as the said Act) for the figure "3,000", the figure "10,000" shall be substituted. Amendment of section 13 of Mysore Act I of 1883.

3. To section 15 of the said Act, the following proviso shall be added, namely:— Amendment of section 15 of Mysore Act I of 1883.

"Provided that notwithstanding anything contained in any law for the time being in force, except by special leave of the High Court, no second appeal shall lie—

(i) in a suit for money or in a suit on a simple mortgage when the amount or value of the subject matter of the suit does not exceed Rs. 2,000;

(ii) in a suit for possession of a house or garden land, or unassessed land or any interest therein when the market value of the subject matter on the date of presenting the plaint does not exceed Rs. 1,000;

(iii) in a suit for possession of land or any interest therein other than those specified in clause (ii) when the total annual assessment does not exceed Rs. 8;

Substitution of new section for section 22 of Mysore Act I of 1883.

4. For section 22 of the said Act, the following section shall be substituted, namely :—

Vacations.

"22. (1) In addition to public holidays authorised by the State Government, the civil courts subordinate to the High Court shall have three vacations in each year, namely, Summer, Dasara and Winter.

(2) The total number of days in all the said three vacations shall not exceed sixty days and the period of each vacation in each year shall be fixed by the Chief Justice."

Application of Act to pending suits and appeals.

5. The provisions of sections 13 and 15 of the Mysore Civil Courts Act, 1883, as amended by sections 2 and 3 of this Act shall apply to all suits and appeals pending in any civil court subordinate to the High Court on the date of commencement of this Act.

Statement of Objects and Reasons.

The High Court Arrears Committee presided over by the Hon'ble Mr. Justice S. R. Das of the Supreme Court made certain suggestions to bring down arrears in High Courts. The Committee recommended *inter alia* that—

(1) in all original suits tried by the Subordinate or Civil Judge where the valuation of a suit does not exceed Rs. 10,000 an appeal should lie to the District Judge and not to the High Court,

(2) no second appeal should lie to the High Court in a suit for recovery of money, valued at Rs. 2,000 or below or for recovery of immovable property of the value of Rs. 1,000 or below except by special leave of the High Court.

The arrears of work in the High Court of Mysore are heavy and are on the increase. It is therefore considered that the effective way to tackle the problem would be by giving immediate effect to the above recommendations of the Das Committee. This entails amendment of sections 13 and 15 of the Mysore Civil Courts Act, 1883 and by clauses 2 and 3 the necessary amendments have been made.

1452

At present under section 22 of the Act, the High Court can permit vacations for subordinate civil courts for a period not exceeding six weeks in each year. In Madras the period is fixed at sixty days in each year and the High Court have recommended that it is necessary to fix the same number of days for vacations of civil courts in the State during Summer, Dasara and Winter. Clause 4 of the Bill is intended to give effect to this recommendation.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.